	ll control of the con		
1	EDMUND G. BROWN JR.		
2			
3	Supervising Deputy Attorney General SHANA A. BAGLEY, State Bar No. 169423		
4	Deputy Attorney General California Department of Justice		
5	1515 Clay Street, 20th Floor P.O. Box 70550		
6	Oakland, CA 94612-0550 Telephone: (510) 622-2129		
7	Facsimile: (510) 622-2270		
8	Attorneys for Complainant		
9	BEFORE 7	rhr	
10	BOARD OF REGISTERED NURSING		
11	STATE OF CAL		
12	In the Matter of the Accusation Against:	Case No. 2007-180	
13	SAHAR RASMI ZEIDAN	DEFAULT DECISION	
14	6955 Skyline Blvd. Hillsborough, California 94010	AND ORDER	
15	Registered Nurse License No. 471325	[Gov. Code, §11520]	
16	Respondent.		
17			
18	FINDINGS OF FACT		
19	1. On or about June 14, 2007, Complainant Ruth Ann Terry, M.P.H, R.N, in		
20	her official capacity as the Executive Officer of the Board of Registered Nursing, Department of		
21	Consumer Affairs, filed Accusation No. 2007-180 against Sahar Rasmi Zeidan (Respondent)		
22	before the Board of Registered Nursing (Board).		
23	2. On or about August 31, 1991,	the Board issued Registered Nurse License	
24	No. 471325 to Respondent. The Registered Nurse Li	icense expired on October 31, 2002, and has	
25	not been renewed.		
26	3. On or about June 28, 2007, Sh	ontane McElroy, an employee of the	
27	Department of Justice, served by Certified and First Class Mail a copy of Accusation No. 2007-		
28	180, Statement to Respondent, Notice of Defense, Re	equest for Discovery, and Government Code	
11			

sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is: 6955 Skyline Blvd., Hillsborough, California 94010. A copy of the Accusation, the related documents, and Declaration of Service are attached as Exhibit "A," and are incorporated herein by reference.

- 4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).
- 5. On or about June 29, 2007, the Respondent received the aforementioned documents and Respondent, or a party on her behalf, signed a U.S. Postal Service Certified Mail Receipt attesting to said delivery. A copy of the Certified Mail Receipt is attached as Exhibit "B," and is incorporated herein by reference.
  - 6. Business and Professions Code section 118, subdivision (b), states:

The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground.

7. Government Code section 11506, subdivision (c), states:

The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

- 8. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2007-180.
  - 9. California Government Code section 11520, subdivision (a), states:

If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

28

DEPARTMENT OF CONSUMER AFFAIRS

Exhibit "A"

Accusation No. 2007-180, Related Documents, and Declaration of Service

` 1	EDMUND G. BROWN JR. Attorney General of the State of California	
2	WILBERT E. BENNETT Supervising Deputy Attorney General	
3	SHANA A. BAGLEY, State Bar No. 169423  Deputy Attorney General	
4	California Department of Justice 1515 Clay Street, 20th Floor	
5	P.O. Box 70550 Oakland, CA 94612-0550	
6	Telephone: (510) 622-2129 Facsimile: (510) 622-2270	
7	Attorneys for Complainant	
8	· ·	PITYN
9	BEFORE THE BOARD OF REGISTERED NURSING	
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
11	In the Matter of the Accusation against:	Case No. 2007-180
12	SAHAR RASMI ZEIDAN	Case No. 2007-160
13	6955 Skyline Blvd. Hillsborough, California 94010	ACCUSATION
14	Registered Nurse License No. 471325	
15	Respondent.	
16	Respondent.	
17		
18	Complainant alleges:	
19	<u>PARTIES</u>	
20	1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Accusation solely	
21	in her official capacity as the Executive Officer of the Board of Registered Nursing, Department	
22	of Consumer Affairs.	
23	2. On or about August 31, 1991,	the Board of Registered Nursing issued
24	Registered Nurse License Number 471325 to Sahar Rasmi Zeidan (Respondent). The Registered	
25	Nurse License expired on October 31, 2002, and has not been renewed.	
26	111	
27	111	
28	///	
ľ	1	

#### JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.
- 6. Under section 2811 of the Code, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

#### **STATUTORY PROVISIONS**

7. Section 820 of the Code states:

Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.

8. Section 821 of the Code states that "[t]he licentiate's failure to comply with an order issued under Section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate or license."

25 /// 26 ///

27 | ///

28 ///

. ;

### 

# 

# 

## 

# 

#### CAUSE FOR DISCIPLINE

(Failure to Comply with Order Issued under Section 820 of the Code)

- 9. Respondent is subject to disciplinary action under section 821 of the Code in that she failed to comply with an order issued under section 820 of the Code. The circumstances are as follows:
- a. On or about On or about April 20, 2001, Respondent was hired by the Santa Clara Valley Medical Center in San Jose, California as a registered nurse in the psychiatric unit. From on or about January 12, 2002 through June 26, 2002, she exhibited communication difficulties, problems in working with others, inappropriate behavior, and possible paranoid ideation, which culminated in an episode which occurred on June 26, 2002. On said occasion, while at work, Respondent exhibited inappropriate laughter, yelled at staff members during a meeting, threatened to release all of the psychiatric patients, and banged her shoe on the office door of a psychiatrist (who was not present), while screaming that she was going to hit him on the head with her shoes and that she needed a man. Additionally, Respondent raised her fists at a security officer while she was being escorted off the psychiatric unit. Following that date, numerous unsuccessful attempts were made to contact Respondent and to request that she submit to a Fitness for Duty evaluation. Respondent did not return to work and on or about October 24, 2002, she was terminated from employment with Santa Clara Valley Medical Center.
- b. A psychologist who reviewed pertinent documents in this matter opined that Respondent's described behaviors suggest a significant impairment jeopardizing patient care and are consistent with a psychotic disorder, paranoid disorder, or a substance use/abuse problem.
- c. On or about January 16, 2007, the Board issued an order pursuant to section 820 of the Code requiring Respondent to be examined by a physician and surgeon specializing in psychiatry or by a psychologist (Order). On or about January 31, 2007 and April 26, 2007, Respondent was served by U.S. Mail and Certified Mail with the Order and was required to contact the Board within thirty days. (Copies of the Order, the Declarations of Service, and Certified Mail envelopes marked "unclaimed" are attached hereto as Exhibit "A"

1	and are incorporated herein by reference as though fully set forth.) Respondent did not contact		
2	the Board within the required time period and, therefore, did not submit to the psychiatric		
3	examination as ordered.		
4	<u>PRAYER</u>		
5	WHEREFORE, Complainant requests that a hearing be held on the matters herein		
6	alleged, and that following the hearing, the Board of Registered Nursing issue a decision:		
7	1. Revoking or suspending Registered Nurse License Number 471325, issued		
8	to Sahar Rasmi Zeidan; and		
9	2. Ordering Sahar Rasmi Zeidan to pay the Board of Registered Nursing the		
10	reasonable costs of the investigation and enforcement of this case, pursuant to Business and		
11	Professions Code section 125.3.		
12	••••••••••••••••••••••••••••••••••••••		
13	DATED: 614107		
14			
15	Ruse Donte		
16	RUTH ANN TERRY, M.P.H, R.N Executive Officer		
17	Board of Registered Nursing Department of Consumer Affairs		
18	State of California Complainant		
19			
20			
21			
22			
23			
24			
- 1			
26			
27			
<sup>28</sup>			